

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1985.02
 COMPLAINT INVESTIGATOR: Connie Rahe
 DATE OF COMPLAINT: December 16, 2002
 DATE OF REPORT: January 16, 2003
 REQUEST FOR RECONSIDERATION: no
 DATE OF CLOSURE: March 6, 2003

COMPLAINT ISSUES:

Whether the Lake Ridge Schools and the Northwest Indiana Special Education Cooperative violated:

511 IAC 7-27-7(a) by failing to implement the Student's individualized education program (IEP) as written, specifically, by not implementing the Student's behavioral intervention plan (BIP).

511 IAC 7-17-72(5) and 511 IAC 7-27-7(b) by failing to ensure that each teacher and provider is informed of his or her responsibilities related to implementing the Student's IEP.

511 IAC 7-21-9(a) and IC 20-10-1-16-8 by failing to ensure that a student with a disability participates in the state assessment.

FINDINGS OF FACT:

1. The Student is fifteen years old, attends the local high school (the School), and qualifies for special education and related services under the category of learning disability.
2. The Student 's IEP contains a BIP that describes interventions, consequences, and alternative locations which can be used to enable the Student to follow classroom and School rules consistently, keep hands to self, remain on task, and respect others. The Student was sent to detention or suspended nine times during the first semester of the 2002 to 2003 school year, as documented by discipline referral slips. Signed assurance statements were provided for each of the Student's teachers stating that they had read, understood, and would implement the IEP, but no documentation was provided by the School to show that the teachers had followed the procedures in the Student's BIP prior to sending the Student to the assistant principal's office.
3. The School has provided forms used by the Student's TOR. The forms contain each of the Student's teachers' signatures verifying that they have received IEP information, have had information explained to them, and have assumed the responsibility for making the accommodations and modifications or seeing that they are made.
4. The School has documented the Student's participation in district and statewide testing for grades 5 through 8 with the Student's score sheets for tests of achievement that were provided annually, including statewide tests for grades 6 and 8.

CONCLUSIONS:

1. Finding of Fact #2 indicates that the School failed to provide documentation to show the Student's teachers implemented the Student's IEP as written, specifically, by not implementing the procedures developed by the case conference committee in the Student's BIP. Absent documentation to demonstrate compliance with this requirement, a violation of 511 IAC 7-27-7(a) is found.
2. Finding of Fact #3 indicates that the School has provided documentation that the Student's teachers were provided information by the TOR to ensure that each understood specific responsibilities related to implementation of the IEP and BIP. Therefore, no violations of 511 IAC 7-17-72(5) and 511 IAC 7-27-7(b) are found.
3. Finding of Fact #4 indicates that the Student has participated annually in the district and statewide testing, as required by 511 IAC 7-21-9(a) and IC 20-10-1-16-8. Therefore, no violation with respect to these citations is found.

The Department of Education, Division of Exceptional Learners requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Lake Ridge Schools and the Northwest Indiana Special Education Cooperative shall:

1. Convene the CCC to review the IEP
 - a. with regard to reviewing the BIP with individualized interventions and consequences to ensure that the particular needs of this student are being met, and
 - b. to ensure that the BIP specifies the continuum of responses to various target behaviors through a sequential set of specific individualized interventions that can be followed by all School staff.
2. Send a written memorandum to all general education teachers and administrators reminding them of the responsibility to provide services in accordance with the Student's IEP as described in the student's BIP.

A copy of the Student's IEP, clearly summarizing the discussion and changes, and a copy of the memorandum and list of individuals to whom the memorandum was sent shall be submitted to the Division no later than February 14, 2003.